THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 9890 of 2005

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Dated: 01.09.2005

Between:

Smt. Goli Varalakshmi W/o. LateGoli Vara Prasad
R/o. D.No. 6-13-31/1, China Waltair, Vizag,
Visakhapatnam District.

..... PETITIONER

AND

The Commissioner and Inspector General,
Registration and Stamps, A.P. Hyderabad and others.

… **RESPONDENTS**

ORDER:

Seeking a declaration that the action of the third respondent-Sub-Registrar, Gakiwaka, Visakhapatnam, in not registering the three Gift Deeds dated 19.02.2005 executed by the petitioner in respect of the houses situated in S.No.64/3 bearing House Nos.23-22-6/1, 23-22-6 and 23-74-9 of Gajuwaka Municipality, Visakhapatnam District is arbitrary and illegal, this writ petition is filed.

The case of the petitioner is that the property in question was purchased by her husband late Sri.Goli Vara Prasad under two registered sale deeds dated 17.05.1985. During the life time of the petitioner's husband, he had executed Will on 20.02.2003 bequeathing the above property to the petitioner. In order to bequeath the property in question to her daughters, the petitioner has executed three Gift Deeds dated 19.02.2005, but the third respondent refused to register them. Hence

this writ petition.

The third respondent filed a counter-affidavit stating that the petitioner has not presented any document to him on 19.02.2005 for registration. However, the petitioner filed a reply to the counter-affidavit denying the statement made by the third respondent.

When there is a dispute of question of fact, this writ petition cannot be entertained. Therefore, the writ petition is devoid of merits and the same is liable to be dismissed.

The writ petition is accordingly dismissed. However, this order will not preclude the petitioner from presenting the gift deeds for registration. No costs.

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01.09.2005